

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEVIN D. LIPSKA,
Plaintiff,
v.

CORRECTIONAL OFFICER NILES *et al.*,
Defendants.

Case No. C07-5675RJB/JKA

ORDER DENYING PLAINTIFF'S
MOTION TO FILE AN
AMENDED COMPLAINT

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion to file an amended complaint (Dkt. # 19). The motion is **DENIED** for a number of reasons. First, this motion was not served on opposing counsel. The certificate of service reflects only service on the clerk of court (Dkt # 19). Second, the defendants have answered the original complaint and in February of 2008 a scheduling order was entered. To allow amendment which adds new claims at this point in the proceedings would delay resolution of this action and prejudice defendants. Accordingly, Plaintiff's Motion is **DENIED**.

The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

DATED this 4 day of June, 2008.

/S/ J. Kelley Arnold
J. Kelley Arnold
United States Magistrate Judge